
United States District Court

----- DISTRICT OF SOUTH DAKOTA -----

SOUTHERN DIVISION

UNITED STATES OF AMERICA,

CR. 10-40007-02

Plaintiff,

ORDER

v.

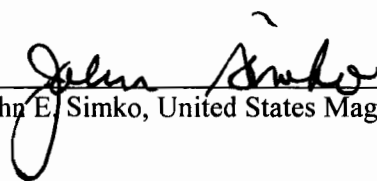
JAMES MICHAEL WILBOURN,
a/k/a "Mike,"

Defendant.

This matter came before the court for hearing on the Indictment in the above matter on Tuesday, April 13, 2010. The defendant, James Michael Wilbourn, appeared in person and by his counsel, Scott Hendricks-Leuning. The United States appeared by Assistant United States Attorney, John Haak.

It appears that Defendant is currently in the custody of the State of South Dakota. Defendant appeared to answer these federal charges pursuant to a writ of habeas corpus ad prosequendum. In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude, however, that the detention issue is, for all practical purposes, moot because the defendant is currently in the custody of the State of South Dakota. The Marshal shall return the Defendant to the custody of the State of South Dakota pending further proceedings in this matter. If Defendant is released or furloughed by the state before these federal proceedings are concluded, Defendant shall immediately be returned to this Court for further proceedings to determine whether he should be detained or released pending final resolution of the federal charges.

Dated: April 13, 2010


John E. Simko, United States Magistrate Judge